IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2979 OF 2004

Shri Swamirao Narayanrao Bhawarthi .. Petitioner.

V/s.

Solapur Municipal Coporation
Solapur & Anr. ..Respondents.

Shri S.S. Kudle for the Petitioner.
Shri Nitin Jamdar for the Respondent No.1.
Shri R.M. Pathe, AGP for Respondent No.2.

CORAM : S.B.MHASE & D.B.BHOSALE,JJ.
DATED : APRIL 11, 2005

PC :-

. Heard.

2. The petitioner is an electrician appointed by Majarewadi Gram Panchayat, which is now merged within the corporation limits of the Solapur Municipal Corporation. As a result of the transfer of the area and merger of the said Gram Panchayat into the Solapur Municipal Corporation, the services of the petitioner were also transferred to the said Corporation. The petitioner desired to be absorbed as regular electrician in view of regular post being available but it was not given to petitioner. Therefore, this petition.

3. Shri Kudle for the petitioner, points out certain documents which are annexed to this petition to satisfy that the petitioner is eligible to be appointed as Electrician. Shri Jamdar, made a grievance that the documents which are produced by the petitioner, have been placed before this court for the first time. Upon which Shri Kudle states that these documents were never demanded by the respondent but even then he has no grievance to file fresh application before the respondent authority alongwith these documents and the respondent corporation may be directed to consider the claim of the petitioner for the post of electrician on merits. Upon this submission of Shri Kudle, Shri Jamdar submits that if such application alongwith the said documents is filed, the case of the petitioner will be considered on its own merits in accordance with law. Therefore, we pass following order.

ORDER

1. The petitioner shall make fresh application to the Respondent Corporation alongwith the documents which are produced before this court within a period of four

weeks from today, for being absorbed as regular Electrician.

2. If such an application is made and the documents are produced alongwith the same, the Respondent Corporation shall decide the same on its own merits in accordance with the law. The decision shall be communicated to the petitioner within a period of eight weeks thereafter.

3. Liberty to the petitioner, in case his representation for being absorbed to the post of electrician is rejected by the corporation, to adopt the appropriate remedy for the necessary relief or to approach this court.

4. We make it clear that since the above statements are made by consent by both the learned counsels for the parties, we have not scrutinized the case on merits.

5. The application is disposed of in the above terms.

(D.B.BHOSALE, J) (S.B.MHASE,J)

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